

Applicants must also identify the claims readable on the election of species.

PROVISIONAL ELECTION

Applicants provisionally elect the following subject matter:

Me = Magnesium;

PPI = Pantoprazole;

X = 1;

Y = 1;

Z = 1;

Specific gastrointestinal disorder = Gastrointestinal lesions (as described at page 13, paragraph 2 of the PCT publication).

Applicants respectfully point out to the Examiner that claims 1-5, 7 and 13-14 are readable on the elected subject matter.

TRAVERSAL

Applicant respectfully traverses the Examiner's restriction / election requirement.

First, the restriction / election requirement is traversed because it omits "an appropriate explanation" as to the existence of a "serious burden" if a restriction were not required. See MPEP 803. A complete and thorough search for the subject matter set forth in the provisionally elected species set forth above would require searching the art areas appropriate to all other subject matter contained in this application. Since a search of the subject matter of the provisionally elected species and all other subject matter contained in this application would be coextensive, it would not be a serious burden upon the Examiner to conduct a search of all subject matter contained in this application.

Furthermore, applicants have paid a filing fee for an examination of all of the subject matter encompassed by the presently pending claims in this application. If the Examiner refuses to examine the claims paid for when filing this application and persists in requiring applicants to file divisional applications for each of the groups of claims, the Examiner would essentially be forcing applicants to pay duplicative fees for the non-elected or withdrawn claims, inasmuch as the original filing fees for the claims (which would be later prosecuted in divisional applications) are not refundable.

CONCLUSION

In view of the foregoing, applicants respectfully request the Examiner to reconsider and withdraw the restriction / election requirement, and to examine all of the claims pending in this application.

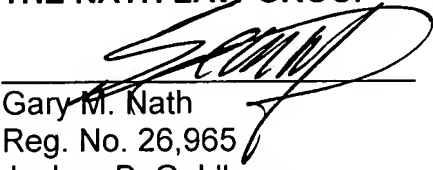
If the Examiner has any questions or wishes to discuss this matter, the Examiner is welcomed to telephone the undersigned attorney.

Respectfully submitted,

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